

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Thomas Gladney,)	C/A No.: 3:12-cv-2160-JFA
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Broadcast Music, Inc. a/k/a B.M.I.,)	
ASCAP, and Library of Congress,)	
)	
Defendants.)	
)	

This matter comes before the court on Plaintiff Thomas Gladney’s Objection to the Report and Recommendation (“Report”) that was issued by a Magistrate Judge in this case. In his Complaint, Plaintiff alleges that he copyrighted written material in the nature of song lyrics or poems in 1981 and that it was subsequently used by “other people” without his permission and without his receipt of royalties. Plaintiff filed this action *in forma pauperis* under 28 U.S.C. § 1915.

The Magistrate Judge assigned to this action¹ has prepared a thorough Report and Recommendation and opines that Plaintiff’s Complaint should be dismissed without prejudice and without issuance and service of process pursuant to 28 U.S.C. § 1915. The Report sets forth the facts as pled by Plaintiff as well as the requirements for bringing a cognizable copyright infringement action. In her Report, the Magistrate Judge recommends that this case should be

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

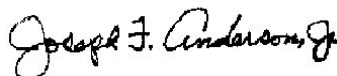
dismissed as Plaintiff has failed to allege that any of the named Defendants personally infringed on his copyrights or that any of them are in any way contributorily or vicariously responsible for any other person's infringement. The court agrees with the Magistrate Judge's reasoning. Accordingly, the court adopts the Report and fully incorporates it into this order.

Plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on August 23, 2012. Plaintiff responded in a one-page document wherein he generally objects to the Report and then sets forth facts related to his claim. However, he has still failed to allege how any of the named Defendants directly infringed his copyright or are responsible for any other person's infringement of his copyright. Thus, his claim remains deficient and should be dismissed. In the absence of any specific objections to the Report of the Magistrate Judge, this court is not required to give any further explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

This court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

March 29, 2013
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge